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AN ACT

TO PROVIDE FOR THE BETTER ADMINISTRATION OF THE AFFAIRS OF THE CORPORATION. Title.

WHEREAS it is expedient to make further provision for the better administration of the affairs of the Corporation: Preamble.

Be it therefore enacted by the Mayor, Aldermen, and Commonalty of the City of Toronto, in Common Council assembled, as follows:

I.

No Board, Committee, or Member of the Council, and no Officer of the Corporation, shall, on behalf of the Corporation, enter into a contract, or incur or authorise any expenditure, without having obtained the previous authority or sanction of the Council. Contracts require sanction of Council.

II.

No contract or expenditure shall be authorised or permitted in contemplation of a loan whereby a debt is incurred requiring the approval of the Rate-payers, until after the By-law for such loan or debt has been duly passed and has been approved of by the Rate-payers according to law. By-law to pass before Contracts are made.

III.

No Resolution or By-law authorising or professing to authorise the expenditure of money shall be passed by the Council, or acted upon by any Committee or Officer of the Corporation, unless Expenditure not to be made without provision.

either adequate means of meeting such expenditure are at the same time provided by the By-law or Resolution, or sufficient unappropriated money is in hand or will become payable to the Corporation before the 31st day of December in the same year, nor unless the fact of snch adequacy or sufficiency appears from a certificate of the Chamberlain or a Report of the Finance Committee, presented before or at the time the By-law or Resolution is passed.

IV.

Improvements not to be authorised without previous estimate.

No work or improvement shall hereafter be authorised by the Council, without either having an estimate of the probable cost thereof, or (in the absence or an estimate,) limiting an amount therefor. And no contract shall be entered into for such work or improvement at a larger sum, or involving a larger expenditure, than the amount so estimated or limited; and if such amount is found insufficient the fact is to be reported to the Council before the work is commenced or contracted for.

V.

Chamberlain to keep separate accounts.

When money is hereafter duly authorised to be expended for any purpose, the amount to be expended is not to be credited by the Chamberlain to any Board or Committee, but he is to credit the same to an account to be opened, for the object for which the money is voted; and he shall at the same time charge the amount against the fund out which the same is to be paid, so as to show how much of such fund is from time to time appropriated; and he shall afterwards charge against the account which is to receive the credit the sums from time to time paid of the amount so voted.

VI.

In case money appropriated to any particular purpose exceeds the amount which such purpose is afterwards found to require, the Chamberlain shall carry the surplus to the credit of an account to be opened in his books for Unappropriated Money.

Excess of appropriation how to be disposed of.

VII.

No money hereafter voted or raised for any purpose shall be applied to any other purpose, without expressly rescinding or repealing the Resolution or By-law by or under which the same was voted or raised, so far as such Resolution or By-law stated the purpose.

Money voted for one purpose not to be otherwise applied.

VIII.

For the purpose of better securing to the Council full and accurate information before being called upon to authorise the expenditure of City money—every Report recommending an expenditure of money shall state the reasons and grounds on which the recommendation is made, and shall, as far as practicable, state the same with sufficient fulness to enable others to judge of the propriety of the proposed expenditure.

Reports to contain reasons for expenditure.

IX.

For the same purpose, in case the expenditure is for any work or improvement the superintendence of which, if authorised, would fall within the duty of the City Engineer, Surveyor, or some other superior Officer of the Corporation, the Board or Committee shall first procure a Report from such Engineer, Surveyor. or other Officer on the subject of the proposed expenditure, and how far the same is in his opinion necessary or expedient with reference to such of the general interests and require-

Report of Committee to include Report of Engineer.

ments of the City as fall within the department of such Officer, with his reasons at large.

X.

Course in case of emergency.

No Report of a Board or Committee recommending any expenditure that should fall under the preceding section shall be received by the Council, unaccompanied by the Report of the proper Officer, save in a case of emergency, to be fully shown in the Report of the Committee, and assented to by a vote of two-thirds of the members of the Council present.

XI.

Proper officer to report before Council entertain resolution for expenditure.

No Resolution authorising any expenditure for any of the purposes embraced in the preceding section shall be entertained by the Council, without a like Report having been first obtained from the proper officer.

XII.

Course in case member or officer of Council is interested in improvements.

When any Board or Committee recommends, or any member of the Council proposes to the Council the making of any improvement or the expending of any money, for or in respect of property of any kind, it shall be the duty of such Board or Committee, or of the member introducing the proposal, as the case may be, to ascertain as far as practicable, whether such improvement passes through or along any property in which any member of the Council or Officer of the Corporation is interested or whether any such member or officer is interested in the property for or in respect of which the money is proposed to be expended, and to state to the Council how the fact is in those respects, so far as ascertainable. This in the case of a Board or Committee, shall be done in the report containing their

recommendation, and except in a case of emergency and then with the sanction of two-thirds of those present, no action shall be taken or permitted upon any such report or proposal, until information of the matters referred to in this section is laid before the Council.

XIII.

With the view of preventing Members and Officers of the Corporation from being interested in Corporation Contracts, it is hereby expressly declared that no member of the Council, and no Officer of the Corporation, shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labour, or for any materials goods, wares, or merchandize, furnished to the City, wherein the City is a party interested.

Members and Officers of Council not to be interested in contracts.

XIV.

Any breach of the duty imposed by the preceding section on the part of an Officer of the Corporation, shall subject him to forfeiture of his Office, and immediate removal therefrom.

Officers to forfeit Office.

XV.

No account or claim against the City, arising out of or connected with any contract, agreement, purchase or sale, made contrary to section 13, shall be certified by any Engineer or other Officer of the Corporation, or approved by any Committee, or the chairman thereof, or paid by the Chamberlain.

Certain accounts not to be certified.

XVI.

Every contract shall contain a clause declaring that the contract is entered into on the part of the Corporation in full faith, that no member of the Council and no Officer of the Corporation has any

Clause in contract as to interest of Member or Officer

interest whatever therein, and further declaring that the persons contracting, and their representatives, are to forfeit all claims under the contract, and for all work done or materials, goods, wares or merchandize furnished under it, if it shall appear that any Member of the Council or Officer of the Corporation is at the time interested therein, or if any interest therein is afterwards given or agreed to be given to him; and providing that no payment is to be required without the declaration being delivered at the time of requiring the same as hereinafter provided.

XVII.

Accounts and declaration.

Every Account for work done, or materials, goods, wares or merchandize, furnished for the Corporation shall be accompanied by a printed or written declaration by the person claiming the same, and under his signature, to the effect that no Member of the Council or officer of the Corporation is in a private capacity directly or indirectly interested in such account, or in any part of the work or materials mentioned therein, or of the money thereby claimed. If in consequence of the person, or one or more of the persons, claiming, being absent, or for any sufficient cause, the required declaration cannot be obtained, the Finance Committee may, in lieu thereof, receive such other evidence of the facts to be so declared as may be satisfactory and shall in such case report what they do for the information of the council. The Committee to whose Department the account relates, or the Finance Committee may, if they see fit require the declaration in any case to be sworn to before the Mayor.

XVIII.

The Engineer, or person in charge of the Engineer's department, shall, on or before the first Monday in April, in each year, make a report to the Council of the improvements and repairs necessary in his opinion to be made by the Corporation during the year, so far as he can anticipate the same, including in such report the subjects of macadamizing streets, paving, planking side-walks, erecting gas lamps and hydrants, as well as generally of all matters of which the department is to have the superintendence, and which will involve the expenditure of money during the year, and in such report he is to state fully the reasons of the recommendations he makes, and the estimated cost of carrying out what he recommends.

Engineer to report improvemt's in April.

XIX.

With the view of securing due care in receiving, preserving, and using the lumber, timber, stone, and other materials belonging to or used by the City for its streets or other public improvements, it shall be the duty of the Engineer or other person in charge of the Engineer's department, to inspect, measure, receive, or cause to be inspected, measured, and received, all such material, and to keep a full and accurate account of the quantities and qualities of the same, and from whom received, and to enter such account in a book to be kept for the purpose, designating the quantity and quality of each kind of materials.

Examination and checks upon material.

XX.

No plank, stone, timber, or other materials belonging to the Corporation shall be delivered to or used by any person, nor shall any person (other than the Engineer) take or use any plank, stone,

Requisition for materials, how to be made.

timber, or other materials on account of the Corporation, unless he shall first make a requisition in writing for the said material so required, designating particularly the kind, quality and quantity of the said material, and the work for which the same is required; and should the material so required be on hand or contracted for delivery, and the person applying therefor be entitled thereto for the work in question, it shall be the duty of the Engineer or person in charge of the Engineer's department to deliver such material to such person or give him an order therefor, as the case may be, and take his receipt therefor.

XXI.

Amount of Material to be kept

The Engineer, or person in charge of the Engineer's department, shall enter in a book to be kept by him for the purpose, to whom the said plank, lumber, stone or other materials have been delivered, or ordered by him to be delivered, and upon what contract or otherwise the same are so delivered, designating the particular work or improvement for which the same were intended.

XXII.

Monthly returns of materials to be made.

The Engineer or person in charge as aforesaid, shall report once in each month a full and perfect statement of the plank, timber, and other materials belonging to the City, and respectively received and delivered by him, and from and to whom respectively, and for what purpose.

XXIII.

Duty of Engineer.

The Engineer, or person in charge of the Engineer's department shall have the superintendence of and be responsible for the due performance of all works done for the Corporation and particu-

larly of (when not otherwise specially ordered by the Council,) all work connected with: 1. The erection and repair of Public Buildings. 2. The Sewerage and Drainage of the City. 3. The making, Macadamizing, Paving and Reparing, as well as— 4. The necessary watering and otherwise cleansing of the streets. 5. The Inspector and the Health Officer shall be subject to the order of the Engineer or person in charge as aforesaid. 6. The Engineer or person in charge as aforesaid shall decide on the number of mechanics and labourers from time to time required on the works, and to be paid by the City: and the men shall be employed and dismissed by him or by his authority. 7. He shall examine into or cause examination to be made into all complaints of defective sidewalks, paving, flagging or sewerage. 8. He shall have the inspection of Slaughter-houses. 9. He shall also see to the conservation of the public thoroughfares and their maintenance against encroachment. 10. He shall examine and certify all bills for materials and labour against the Corporation, and make the surveys and examinations necessary for the purpose. 11. He shall cause a weekly return to be made to him of all the workmen employed and materials used during the week, and of the amount and description of work done during the week. 12. He shall prepare regulations in regard to the duties to be performed by the various officers in his department or subject to his orders; and such regulations, on being approved by the Standing Committee to whose department the same may belong, shall be entered in a book to be kept for the purpose; and a copy of such regulations shall be hung up in a conspicuous place in the office of the Engineer. Any addition to or

Repairs of Buildings.

Sewers & Streets.

Watering.

Health Officer.

Mechanics and Labourers.

Sidewalks, &c.

Slaughter-houses

Thoroughfares.

To certify bills.

To return workmen and materials.

To prepare regulations.

changes in such regulations shall be approved, entered and exhibited from time to time in the same manner. 13. The Engineer shall, with reference to the said matter and all others, comply with any directions of Committees of the Council which shall fall within any authority duly given to such Committees respectively by the Council.

To obey Committees and Council.

14. He shall, from time to time report to the Board of Works, or any other Standing Committee having cognizance of the matter, or to the Council as the case may require, any obstruction he may meet with in the discharge of his duties, as well as any matter on which he may want advice or instructions. 15. He shall perform such other duties as have hitherto been imposed on him by any By-law or Resolution of the Council, or which he may by any future By-law be directed to perform.

To report to Board of Works, &c.

To carry out By-laws.

XXIV.

Watering Streets

As to the Watering of the Streets, if a majority in number and value of the rate-payers on any street, or on any part of a street desire that the watering thereof should be superintended by one of themselves, or by some other person without a salary therefor, and in place of the Engineer or person in charge of the Engineer's department, they may appoint a person accordingly, and on communicating the appointment to the Council the Engineer or person in charge of the Engineer's department shall be relieved from the duty so far as regards the locality in question.

XXV.

Certificates to be in duplicate.

Every certificate given by the Engineer or person in charge of the Engineer's Department, of the accuracy of any account against the Cor-

poration, shall be prepared in Duplicate, and one part shall be delivered by him to the Chamberlain before or at the same time that the other part is delivered to the person entitled to receive the money thereon.

XXVI.

Payment on Contracts.

No contractor or other person engaged on any work for the City, shall be paid the compensation allowed him (unless otherwise provided for,) by his contract, or any part thereof, unless at the time of paying the same he shall present to the Chamberlain a certificate from the Engineer or person in charge of the Engineer's department, stating that he had examined, measured, and computed the work, and that the same was completed, or that the payment demanded was due on such work; and also stating what the work was on which such money was due.

XXVII.

Accounts, how to certified.

And with the view of further carrying out the various objects embraced in this By-law, every account before being paid shall be certified, firstly by the Engineer or other superior officer under whose superintendence the work was done or material provided: and secondly by the Board or Committee (if any,) under whose authority the contract or expenditure was made; this latter certificate being given by, or by order of such Board or Committee, or a majority thereof, and signed by the members or by the Chairman in their presence, and such certificate shall also refer in some distinct manner to the By-law or Resolution of the Council by or under which the expenditure was authorised.

XXVIII.

Accounts not to be paid without certificates and declaration.

The Chamberlain shall pay no such account unless the same is given to him with the said two certificates, and also with the declaration hereinbefore mentioned, or the order of the Finance Committee in lieu of such declaration, nor unless the same was duly authorised by the Council, according to the provisions of this By-law; and when the payment is by cheque, the cheque shall mention the By-law or Resolution which authorises the payment to be made.

XXIX.

Power to withhold Certificates.

In case the Board or Committee has reason to believe that any Member of the Council, or Officer of the Corporation is interested in any account presented for the approval of such Board or Committe, it shall be the duty of the Board or Committee to withhold a certificate, and to give the parties interested and supposed to be interested in the account, an opportunity of disproving the supposed interest; and if they fail to do so to the satisfaction of the Board or Committee, it shall be the duty of the Board or Committee to report the case forthwith to the Council.

XXX.

Forms to be provided.

The Chamberlain, for the convenience of parties, shall provide printed forms for the necessary certificates and declaration, such forms being subject to the approval of the Finance Committee.

XXXI.

Moneys not be p id to members or officers.

No money shall be paid to any Member of the Council, or to any Officer of the Corporation, as agent or attorney for any contractor, or in any manner on behalf of a contractor.

XXXII.

No Member of the Ccouncil shall have power to direct or interfere with the performance of any work for the Corporation, and the officer in charge shall be subject only to his superior officer (if any) and to the Council, or to any Board or Committee (while acting in that capacity, and not otherwise,) to which the Council may in any case give authority in that behalf.

Members of Council not to interfere in works.

XXXIII.

All work and materials shall be done and provided by contract, and after tenders have been called for, and notices for this purpose put up at every Police Station for at least two weeks, besides advertising therefor in any other manner which the extent and importance of the work may render necessary. In case of an emergency rendering it necessary to dispense with this rule, such dispensing therewith shall require the sanction of a majority (being not less than four,) members of the Board or Committee having charge of the matter; and every such case is to be entered in their minutes at the time, and to be reported to the Council at its next meeting, with the reasons which rendered it necessary in such cases to dispense with this rule.

Work and Materials to be contracted for.

XXXIV.

No contractor or other person found by the Engineer, or person in charge of the Engineer's department, or by any Board of the Council, or declared by a Resolution of the Council, or ascertained by a judicial decision, to have been guilty of defrauding, or of attempting to defraud the City, shall again be employed in any capacity on behalf of or receive any contract from the City, without

Parties guilty of fraud not to be again employed.

the express sanction of the Council. It shall be the duty of the various officers of the Corporation to forthwith report all such frauds or attempted frauds they become aware of to their superiors, and for such superiors to report the same to the Board or Committee to whose department the subject of the fraud belongs.

XXXV.

Collectors' Rolls to be made by August 1st.

The Collector's Rolls are to be ready for the Collectors on or before the 1st day of August in each year; and if the press of business makes this impossible for the City Clerk and his assistants, the Finance Committee shall obtain for the Clerk such further and temporary assistance as may be necessary, and shall forthwith report to the Council what they do in this respect, with their reasons therefor.

XXXVI.

Moneys to be paid over each week.

Every Collector, and every Officer of the Corporation (other than the Chamberlain) whose office occasions his receiving or collecting money for the Corporation, shall pay to the Chamberlain on the Saturday of every week all his collections up to that date, and shall at the same time deliver to the Chamberlain a declaration signed by such Collector, and to the effect that the amount so paid in is all that he has received up to the time of making such payment. And the Chamberlain or Finance Committee may require each Declaration in any case, to be sworn before the Mayor.

XXXVII.

Defaulters to be reported.

The Chamberlain shall, from time to time, report to the Council all collectors who make default in complying with the requirements of the preceding section, with the particulars of the default.

XXXVIII.

Officers guilty of fraud to be fined.

Any Officer who shall refuse or wilfully fail or neglect to perform any duty enjoined upon him by any By-law or Resolution of the Council, or who shall, in the discharge of his official duty, be guilty of any fraud, extortion, oppression, favoritism, partiality, or wilful wrong or injustice, shall be subject to removal from office, and to a fine in each case of not less than $8, nor more than $20.

XXXIX.

Boards and Committees to report &c.

It shall be the duty of every Board and standing Committee, on or before the last regular meeting of the Council in the month of December in each year, to present to the Council, for the information of the Council and of the inhabitants generally, as well as for the guidance of the Board or Committee of the following year, a general Report of the state of the various matters referred to the Board or Committee from time to time during the year, the work or business done through or by such Commitee, and the expenditure made under their authority or superintendence; such Report shall also state the number of meetings the Board or Committee held during the year, at which a quorum was present, and the number of meetings duly called, but at which there was no quorum, and how often each member was absent from the latter meetings; and shall contain such suggestions in regard to the future action of the succeeding Board or Committee as experience may enable the reporting Committee to make in respect of the matters embraced in the Report. And it shall be the duty of the Clerk to have 250 copies of each of the said Reports printed forthwith.

XL.

Boards and Committees to furnish statements of contemplated expenditure.

It shall hereafter be the duty of every Board and Standing Committee on or before the second meeting of the Council in the month of April in every year, to report an estimate of the expenditure to be required during the year, in respect of the matters usually referred to such Board or Committee, and such Reports, with the Reports of the Engineer and other officers on the same subjects, shall be considered on the fourth Monday after they are presented, and shall have at that meeting and every subsequent meeting precedence of all other business on the orders of the day, until such Reports are disposed of.

XLI.

By-laws to be deposited in safe.

Every By-law which passes the Council, shall, immediately after being signed by the Mayor, and sealed with the seal of the Corporation, be deposited by the Clerk for security in the safe in the Chamberlain's Office.

XLII.

Cheques to be countersigned by the Mayor.

All cheques for any sum of money whatever to be paid on account of the City shall be signed by the Chamberlain and countersigned by the Mayor.

(Signed) W. H. BOULTON,
Mayor.

COUNCIL CHAMBER,
Toronto, Jan. 26th, 1858.

[L. S.]

A true copy, CHARLES DALY,
C. C. C. City of Toronto.

MACLEAR, THOMAS & CO., PRINTERS, 16 KING STREET EAST.

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